

THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 18349 of 2007

Date:03-09-2007

Between:

V.Damodar

.. PETITIONER

AND

The Joint Collector, Nalgonda and three others

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RESPONDENTS

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ORDER:

The petitioner seeks a writ of mandamus to declare the inaction of the respondents 1 and 2 for cancellation of pattadar passbooks and title deeds issued in favour of the 4th respondent in respect of lands admeasuring Ac.5-26 guntas in Sy.Nos.595, 596 and 597 of Rayanigudam village, Nalgonda District, as illegal and arbitrary.

It is the case of the petitioner that on an application, dated 29.06.2002 filed by the 4th respondent before the 3rd respondent, a report dated 03.07.202 was obtained stating that no objections have been filed and no cases are pending and accordingly, mutation was effected in respect of the lands in Sy.No.595 in an extent of Ac.1-24 guntas, in Sy.No.596 in an extent of 26 guntas and in Sy.No.597 in an extent of Ac.2-36 guntas, totaling Ac.05-06 guntas in favour of the 4th respondent. It is stated that aggrieved by the said action, the petitioner made a representation before the 3rd respondent to conduct the enquiry and cancel the title deeds and record of rights granted in favour of the 4th respondent and rectify the mistake.

I am of the opinion that as against the order passed under Section 5(3) of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 (for short "the Act" by the 3rd respondent, an appeal lies to the Second respondent under Section 5(5) of the Act and therefore, the request of the petitioner to direct the 3rd respondent to consider and dispose of his representation cannot be considered.

Accordingly, the writ petition is dismissed with liberty to file an appeal before the second respondent. No costs.

Date:03.09.2007
ccm

V.ESWARAIAH, J.